

On motion of Mr. Bourland, the rule was suspended; bill read second time and referred to the committee on State Affairs.

A bill to be entitled an act to amend the first section of an act supplementary to an act to regulate the sale of runaway slaves, approved January 5th, 1841.

Read first time.

On motion of Mr. Gage, the rule was suspended; bill read second time and referred to the committee on State Affairs.

On motion of Mr. Gage, the Senate adjourned until 9 o'clock, Monday morning.

Monday, 9 o'clock, A. M.
March 6th, 1848.

The Senate was called to order by the President.

The following Senators answered to their names :

Messrs. Abbott, Bourland, Brashear, Bache, Clark, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRea, Navarro, Parker, Perkins, Wallace, Williams, Williamson and Wootten.

Quorum present.

The Journal of Saturday was read and adopted.

Mr. Dancy, chairman of the committee on State Affairs, to whom were referred "A bill to be entitled an act to amend the 17th and 19th sections of an act regulating juries,"

"A bill to be entitled an act to amend the first section of an act supplementary to an act regulating the sale of runaway slaves, approved January 5th, 1841."

And "a bill to be entitled an act to prevent burning the woods and prairies;" reported the same back to the Senate and recommended their passage.

Mr. Grimes, Chairman of the committee on Finance, made the following report:

The Finance committee, to which was referred a bill to raise a revenue by taxation, have instructed me to return ~~the~~ bill with the following amendments, and recommend its passage.

Amendments:

Sec. 2, line 3, strike out "Indians."

Sec. 3, after 3d line, add "and any person, firm or public corporation, having money loaned at interest who shall fail or refuse to give in the same for taxation, shall, upon conviction before any Court having competent jurisdiction, forfeit the interest on such money loaned at interest, and not given in for taxation to the use of the informer."

Sec. 3, line 5, after "wares" strike out "or" after merchandize, strike out "other than" in same line, after "liquors" insert "when sold in quantities of a quart or more."

Sec. 3, line 7, after merchandize, strike out "sold," and insert, "spirituous and vinous liquors purchased for sale or received for sale as agent or auctioneer." After "firm" in same line, strike out "in the course of each year, for pursuing such occupation."

In 11th line, strike out "sales" and insert "purchasers."

In 13th line strike out "sales" and insert "purchases."

In 14th line, strike out "year" and insert "term."

"Sec. 5. Strike out after "of" in first line to "each" in 5th line.

After "establishment" in 8th line, insert "to be paid quarterly."

Substitute for 8th Section.

"Be it further enacted, That an act, passed the 28th April, 1846, be and the same is hereby repealed, and that this act take effect from and after its passage.

Mr. Perkins, Chairman of the committee on Engrossed bills reported as correctly engrossed,

A bill to be entitled an act for the relief of Columbus C. Browning.

Mr. Clark, Chairman of the committee on the Judiciary, made the following report.

The Judiciary committee have had under consideration "A bill to be entitled an act to regulate proceedings in the County Court, pertaining to estates of deceased persons," and propose the following amendments for the consideration of the Senate.

First amendment.

After the caption thus:

"A bill to be entitled an act to organize and regulate the practice of County Courts sitting as Probate Courts."

Second amendment.

Strike out 4th section.

Third amendment.

Sec. 17, line 4, strike out the words "issuance of."

Fourth amendment.

Sec. 19, line 1, strike out "issuance" and insert "grant."

Fifth amendment.

Sec. 20, line 1, same amendment.

Sixth amendment.

Sec. 21, line 1, same amendment.

Seventh amendment.

Sec. 29, line 1, same amendment.

Eighth amendment.

Sec. 34. Strike out the words "either" and "or in vacation" in third line.

Ninth amendment.

In the 28th line of 37th section, insert, after the words "same" the words "provided said person or persons shall have previously given the necessary bond."

Tenth amendment.

In Sec. 59, 8th line, after the word, "is" insert "represented as."

Eleventh amendment.

In Section 41, 10th line, after the word "on" insert "good and sufficient."

Twelfth amendment.

In Sec. 42, 7th line, strike out the words, "was really worth."

Thirteenth amendment.

In Sec. 43, 11th line, before the word, "unjust" insert the word "manifestly."

Fourteenth amendment.

Add to section 45, "provided, that if the estate of such decedent be not insolvent, nothing in this section contained, shall be so construed as to prohibit the distribution and partition of said estate among the heirs and distributees thereof, including the portion herein provided to be set off for the use of the widow and children; and further provided, that a year's provision shall be exempt from such distribution.

Fifteenth amendment.

In 46th section, 3d line, after "letters" strike out and insert, "to give notice by advertisement posted up at three or more places in the county, one of which shall be at the Court House, stating the date of the letters testamentary or administration, requiring all persons having claims against the estate to present the same within twelve months from the grant of said letters.

Sixteenth amendment.

In section 47, after "money" in first line, insert "or other specific property."

Seventeenth amendment.

In section 51, line 28, after "oath" insert, "if said Executor, Administrator or Chief Justice refuse to sign said memorandum rejecting the claim so presented, it shall not be necessary for the party bringing said suit, to prove that the Executor, Administrator or Chief Justice refuse to sign said memorandum, but unless he proves that it was so presented, and the parties herein before named refuse to sign it, he shall pay all costs of suit."

Eighteenth amendment.

In 53d Sec. 13th line, strike out the word "fairly" and insert the word "legally."

Nineteenth amendment.

In Sec. 59, 3d line strike out the word "that" after "lien" and insert the words "which claim."

Twentieth amendment.

In sec. 65, line 19, after "granted" strike out "or at the Court House door of such other county as may be named by the Chief Justice in the order of sale" and insert "unless the Chief Justice shall deem it to the advantage of the estate, to order the sale in the county in which the property is situated."

Twenty-first amendment.

In sec. 84, in 16th and 17th lines, strike out the words "within one month after the institution of any such suit, or the rendition of any such judgment."

Twenty-second amendment.

Insert before the last section, the following as an independent section.

"That six regular terms of the County Court, for Probate purposes, shall be held in each year, in the Court House of each county, unless the District Court be in session, then and in that event said Court shall for such time hold its session in some other suitable building, at the seat of justice of the county: each term may continue for one week; the regular terms of the Court shall commence on the last Mondays of January, March, May, July, September and November."

With the amendments suggested, the bill is herewith returned for the consideration and action of the Senate.

EDWARD CLARK,
Chairman.

The Senate proceeded to the orders of the day.

A bill to be entitled an act to amend an act entitled an act to regulate proceedings in the District Courts, approved, 13th May, A. D. 1846, was

On motion of Mr. Wallace, made the special order of the day for to-morrow.

A bill to be entitled an act for the relief of Columbus C. Browning.

Read third time and passed.

A bill to be entitled an act for the relief of Ann Terrell, widow and relict of George W. Terrell, deceased.

Read third time and passed by the following vote.

YEAS—Messrs. Abbott, Bourland, Bache, Burleson, Gage, Grimes, Jewett, Navarro, Parker, Perkins, Williams, Williamson and Wootten—13.

NAYS—Messrs. Clark, Dancy, McRae and Wallace—4.

Resolution relative to the adjournment of the Legislature, sine die, was

On motion of Mr. Wallace laid upon the table until Thursday next.

Resolution from the House relative to going into the election of Public Printer, was,

On motion of Mr. Grimes, laid upon the table.

On motion of Mr. Gage,

A bill to be entitled an act to reduce to its constitutional size, define the boundaries and permanently locate the County seat of Henderson county, was taken up and read together with the report of the committee on counties and county boundaries offering amendments.

Report adopted.

Mr. Gage offered the following as a substitute for the caption.

"An act for the further organization of Henderson county."

Adopted.

The bill was then passed to a third reading.

On motion of Mr. Gage, the rule was suspended, bill read third time and passed.

On motion of Mr. Gage,

A bill to be entitled an act to create the county of Vanzandt, was taken up and read, together with the report of the committee on counties and county boundaries, offering a substitute therefor; report adopted and bill ordered to be engrossed.

On motion of Mr. Williamson, the rule was suspended, bill read third time and passed.

A bill to be entitled an act to regulate the public printing was read.

Mr. Grimes moved to strike out the 8th section.

Upon which the yeas and nays was called and stood as follows:

YEAS—MESSRS. Abbott, Bache, Clark, Grimes, Jewett, McRae and Parker—7.

NAYS—MESSRS. Bourland, Brashear, Burleson, Cuny, Dancy, Gage, Navarro, Perkins, Wallace, Williams, Williamson and Wooten—12.

So the motion was lost.

Mr. Cuny moved to fill the blank in 10th section with "six." Carried.

Mr. Cuny moved to amend the 8th section, by adding thereto "and it shall be the duty of the Secretary of the Senate and the Chief Clerk of the House of Representatives to prepare the copies for publication, and shall be allowed the same compensation therefor, as is provided for in the second section of this act,"

Adopted.

Mr. Cuny moved to strike out "and Journals" in the 6th section.

Carried.

Mr. Clark, Chairman of the committee on Education, to whom were referred,

"A bill to be entitled an act to incorporate the Huntsville Male Institute," and "a bill to be entitled an act to incorporate

the Republican Academy in the county of Harrison," returned the same back to the Senate and recommended their passage.

A bill to be entitled an act concerning crimes and punishments.

Read third time.

Mr. Wallace moved the indefinite postponement of the bill.

Lost.

The yeas and nays were then called upon its final passage and stood thus:

Yeas—Messrs. Abbott, Brashear, Bache, Burleson, Cuny, Dancy, Gage, Grimes, McRae, Navarro, Parker, Perkins, Williams and Wootten—14.

Nays—Messrs. Bourland, Clark, Jewett, Wallace, and Williamson—5.

So the bill passed.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills—viz:

A bill to be entitled an act to secure to the Colonists of Fisher and Miller's Colony, the lands to which they may be entitled: and,

A bill to be entitled an act to give each corporate county in this State, its own county surveyor, map and records.

A message was received from His Excellency the Governor, presenting a communication in writing, which was read, and

On motion of Mr. Clark, made the special order of the day for to-morrow.

A bill to be entitled an act to establish the Galveston and Red River Railway Company.

Read third time.

Mr. Abbott moved to lay the bill upon the table until Wednesday next.

Lost.

Mr. Grimes moved to recommit the bill to the committee on Internal Improvements.

Lost.

Mr. Cuny moved to amend the 8th section by inserting after "Company," in 39th line, "at the time of such assessment."
Adopted.

On motion of Mr. Williamson, the 8th section was stricken out.

Mr. Jewett moved a call of the Senate.

The yeas and nays were then called on the final passage of the bill, and stood thus:

Yeas—Messrs. Bourland, Brashear, Bache, Burleson, Cuny, Dancy, Grimes, Jewett, Fitzgerald, McRae, Navarro, Perkins, Wallace, Williams, and Williamson—15.

Nays—Messrs. Abbott, Clark, Gage, Parker and Wooten—5.

So the bill passed.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported "a bill to be entitled an act to create the county of Van Zandt," correctly engrossed.

A bill to be entitled an act to establish a State Penitentiary.
Read third time.

Mr. Dancy moved to amend by striking out "Be it further enacted" in every section except the first.

Adopted.

The bill was then passed.

A bill to be entitled an act to authorize Jacob F. Winfree to adopt Zachary Taylor Long as his lawful child.

Read third time, and passed by the following vote:

Yeas—Messrs. Abbott, Bourland, Brashear, Burleson, Clark, Grimes, Jewett, Fitzgerald, McRae, Perkins, Williamson and Wooten—12.

Nays—Messrs. Bache, Dancy, Gage, Navarro, Parker, Wallace and Williams—7.

So the bill passed.

Mr. Perkins, by leave, introduced a bill to be entitled an act to direct the Secretary of State to strike out certain words out of

the acts or resolutions passed at the present session of the Legislature.

Read first time.

A bill to be entitled an act regulating election.

Read third time and passed.

On motion of Mr. Williamson, the Senate adjourned till 3 o'clock, p. m.

3 o'clock, P. M.

Senate met—roll called—quorum present.

A bill to be entitled an act regulating sequestrations, together with the report of the committee on the Judiciary thereon, offering amendments, was read, and report adopted.

Mr. Williamson moved to amend by adding to the last section of the bill, "and that this act take effect from and after its passage."

Adopted.

The bill was then passed to a third reading.

A message was received from the House of Representatives, informing the Senate that the House had passed a bill to be entitled an act to amend the 17th section of an act to establish and incorporate the Marshall University, approved 18th January, 1842:

Also, that the House had passed joint resolution for the relief of J. W. E. Wallace, which originated in the Senate:

Also, that the House had concurred in the amendments of the Senate to a bill to be entitled an act to establish a State Penitentiary: and

A bill to be entitled an act to create the county of Williamson:

And that the House had concurred in the 2d, 3d, 4th, 5th, 6th, 7th and 9th amendments of the Senate to a bill to be entitled an act to regulate the Public Printing: and refused to concur in the 1st, 8th and 11th amendments to the same bill.

A bill to be entitled an act organizing County Courts, together with the report of the committee on the Judiciary offering amendments, was read, and report adopted.

Mr. Jewett moved to amend the 20th section, by striking out "a term" in 1st line, and inserting "the regular terms," and by striking out "every month" in 3d line, and inserting "January, March, May, July, September and November."

Adopted.

Mr. Williamson moved to recommit the bill to the committee on State Affairs.

Lost.

Mr. Wallace moved to amend the 11th section by striking out "any" in the 18th line, and inserting "only."

Adopted.

Mr. Dancy moved to amend the 27th section, by striking out all after the word "public," in 7th line, to the word "and" in 10th line.

Adopted.

Mr. Clark moved to amend by striking out the words "of the county," in 3d line of 28th section.

Adopted.

The bill then passed to a third reading.

A bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola.

Read second time.

Mr. Clark offered the following as a substitute for the 2d section:

"Sec. 2d. Be it further enacted, That the Commissioners, or a majority of them, shall meet and nominate the places to be submitted to the voters of Panola county for county seat, by the second Monday of July next, and on the second Monday of August thereafter, an election for county seat shall be held throughout said county, said election to be ordered as required by this act, and to be governed by the general law regulating elections."

Adopted.

The bill then passed to a third reading.

On motion of Mr. Cuny, the Senate insisted on their 1st and 11th amendments to an act to regulate the Public Printing: and,

On motion of Mr. Wallace, the Senate receded from their 8th amendment to said bill.

A message was received from the House of Representatives, informing the Senate that the House had appointed Messrs. Bourland, Fields and Davis, of Robertson, a committee of conference on a bill to regulate Public Printing :

Whereupon, Messrs. Dancy, Jewett and Grimes were appointed a like committee on the part of the Senate.

A bill to be entitled an act regulating marks and brands.

Read first time.

A bill to be entitled an act supplementary to an act to incorporate the town of Refugio.

Read first time, and

On motion of Mr. Fitzgerald, rule was suspended.

Read second time: and referred to the committee on Counties and County Boundaries.

Joint resolution for the relief of J. Harris Catlin.

Read first time, and

On motion of Mr. Cuny, the rule was suspended; read second time, and referred to the committee on Claims and Accounts.

The report of the committee on Affairs of State, offering a substitute for "joint resolutions responsive to the resolutions of the General Assembly of the State of Rhode Island and Providence Plantations: "joint resolutions of the State of Texas, responsive to the resolutions relative to slavery, and the Mexican war," passed by the Senate and House of Representatives of the State of Vermont, in the month of November, A. D. 1846, and transmitted to His Excellency the Governor of this State:" and joint resolutions of the Legislature of the State of Texas, responsive to the resolutions of Virginia, adopted in March, 1847," was adopted, and joint resolution ordered to be engrossed.

On motion of Mr. Jewett, the rule was suspended.

Joint resolution read third time and passed.

A bill to be entitled an act for the relief of Alfred Brigance.

Read first time.

On motion of Mr. Brashear, a bill to be entitled an act for the relief of James P. Wallace, was taken up and read, together

with the report of the committee on Private Land Claims, offering substitute therefor.

Report adopted, and bill ordered to be engrossed.

A bill to be entitled an act for the relief of Isaac Delany.

Read first time, and

On motion of Mr. Perkins, the rule was suspended.

Read second time, and passed to a third reading.

Joint resolution authorizing the Comptroller of Public Accounts to transfer to S. L. Johnson an Austin city lot.

Read first time.

Joint resolution for the relief of Theodore D. Maltby, who was disabled for life in the service of the country.

Read first time.

Joint resolution for the relief of the heirs or legal representatives of R. G. Hall, deceased.

Read first time.

A bill to be entitled an act to incorporate Cass Academy.

Read first time, and

On motion of Mr Bourland, rule suspended:

Read second time, and referred to the committee on Education.

A bill to be entitled an act to incorporate the Galveston Steam Ferry, Freight and Tow Boat Company.

Read first time, and

On motion of Mr. Bache, rule was suspended:

Read second time, and referred to the committee on Internal Improvements.

A bill to be entitled an act making additional donations of land for the purposes of Education.

Read first time, and

On motion of Mr. Burleson, rule suspended:

Read second time, and referred to the committee on the Judiciary.

On motion of Mr. Clark, a bill to be entitled an act to amend an act supplementary to an act to create and organize the county of Panola, was taken up, and

Read third time and passed.

On motion of Mr. Burleson, the Senate adjourned.